

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BOCCARA GALLERY INC. et al.,

Plaintiffs,

-v.-

BOCCARA ART, INC. et al.,

Defendants.

22 Civ. 02263 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On August 30, 2023, the Court granted Deana Davidian’s and Marc Hankin’s respective motions to withdraw as counsel for Plaintiffs Boccara Gallery Inc. and Didier Marien, having found that “counsel ha[d] proffered ‘satisfactory reasons for withdrawal.’” ECF No. 49 (citing Loc. Civ. R. 1.4 and *Chen v. New Great Wall 2, Inc.*, No. 18 Civ. 10075 (PMH) (JCM), 2020 WL 8920720, at *1 (S.D.N.Y. Nov. 17, 2020)). The Court cautioned, however, that “[c]ounsel’s withdrawal . . . risk[ed] leaving Boccara Gallery Inc.—a corporate entity—unrepresented,” subjecting this action to “dismissal for failure to prosecute pursuant to Rule 41(b).” ECF No. 49 at 1 (quoting *Krishiv LLC v. Mt. Hawley Ins. Co.*, No. 23 Civ. 2727 (ER), 2023 WL 4931668, at *2 (S.D.N.Y. Aug. 2, 2023)). The Court instructed that “**by September 28, 2023**, (a) new counsel for Boccara Gallery Inc. shall enter an appearance in this matter, or (b) Boccara Gallery Inc. shall show cause why its claims should not be dismissed for failure to prosecute.” *Id.* at 2 (emphasis in original). Plaintiffs have done neither, nor have they otherwise indicated any intention to continue prosecuting this action.

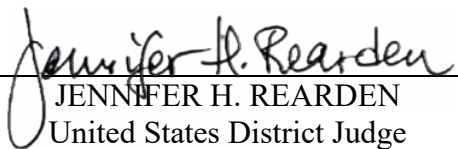
“Accordingly, it is hereby ORDERED that this action is dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b).” *K & J Fashion Co. v. Fragments Holding LLC*, 19 Civ. 198 (VSB) (S.D.N.Y. Aug. 13, 2021) (dismissing action in light of corporate plaintiff’s

failure “to seek and retain new counsel [or to] . . . explain to [the court] why th[e] action should not be dismissed for failure to prosecute”).

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: February 21, 2024
New York, New York


JENNIFER H. REARDEN
United States District Judge